

# Exhibit 33

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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION



91-1300 Enterprise Avenue Kapolei, HI 96707

File Number: 194B-HN-6341993

Requesting Official(s) and Office(s): US DOJ FBI Honolulu Field Office

Task Number(s) and Date Completed: 2/2/2017

Name and Office of Linguist(s): OST Tamara L Heck

Name and Office of Reviewer(s): Hawaii Police Department – Internal Affairs  
Source Language(s): English

Target Language: English

Source File Information  
CD/File – WS117691

VERBATIM TRANSCRIPTION

Participants:

Cary Okimoto	CO
Max Sword	MS

Abbreviations: (Delete if not needed.)

PH: Phonetic Spelling

UI: Unintelligible

OV: Overlapping Voices

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[TN: ]

Recording numbered WS117692.

Corrections to document per HPD are made in blue. Transcription was reviewed by participants in recorded dialogue.

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WS117692 (8:40)

Recording Begins

[Background Noise]

[Phone Ringing]

MS: Max Sword

CO: Uhm, Chair Sword. This is Cary Okimoto.

MS: Good morning.

CO: Good morning.

MS: So what's happening?

CO: Uhm, wait what? Ooh, nothing.

MS: [Laughter] Well, nothing. I thought we were going to, you know, like I mentioned in the meeting prior to the commission meeting.

CO: Yeah

MS: You know the more – the more we give the-the-the news media the more they're going to pick on it. And which is exactly what happened, so I don't know what Axt is up to or you [UI]

CO: [OV] Sir, after I talked to you, we didn't say anything. I think they're – I didn't read the paper because I don't read the paper but what I can imagine is that it's just a review of what we said at the meeting.

MS: Well, no. If-if you read the paper Axt says that the uh you know he says that he is going to go before the council and eh I-I would suggest you read what he's saying. Uh you know because the way I look at it is that – that-that doesn't look well for you anyway.

CO: Uh-huh.

MS: Because it-it-it it's kinda, you know kinda from my standpoint, from a civilian standpoint, uh uh it kind of in a way undercutting the department like uh you know. It's like uh we can't do anything so you know because of all this stuff that's going on

CO: Uh-huh

UNCLASSIFIED

WS117692 (8:40)

MS: And if I were the officer I would be going you know what the heck is going on here, you know?

CO: Uh-huh

MS: And-and it-it doesn't, it doesn't and I lack a better word uh, not so much morale but you know it's kind of like, it starts formulating questions in their mind. So uh you know I don't know what, I'm reading the thing from, I didn't read it until someone - I don't read the paper like you do, I mean like you...

CO: Uh-huh

MS: You know I, you know it's - it's some of it, some of it can be put at the bottom of the bird cage as far as I'm concerned.

CO: Uh-huh

MS: Uh but uhm yea it's-it's you know he's saying uh do we stop testing some sex assault kit who stopped buying Tasers or body cameras. Uh and so forth uh you know as far as, as far as the the uh salary budget is that's-that's still going to be there at the end, so eh...

CO: Yea, I mean

MS: [UI] Uhm I'm-I'm preparing a statement to go out to let the media know that the two hundred fifty has been paid out already.

CO: Uh-huh

MS: And we're moving forward with the process to, you know, to uh move on with new leadership uh in the department. So as I said at our meeting the more, the more we give the media the more they're going to pick at it.

CO: Yeah

MS: So

CO: I understand but you she-she asked us a question and...

MS: Yes

CO: During the meeting and we tried our best to answer what-what was uh Commision [UI]

MS: [OV] No and Yeah

UNCLASSIFIED

WS117692 (8:40)

CO: [UI]

MS: [OV] In the meeting was fine. During the meeting the-the answer was fine.

CO: Okay.

MS: It was after when they-they started asking him all these – all these quotes.

CO: Okay

MS: I know these quotes were not made during the meeting.

CO: It wasn't? Ooh okay.

MS: [UI] No

CO: [OV] Oh okay

MS: No, these quotes look like it was, he, when I came in I saw him talking to the media

CO: Okay.

MS: And these quotes, these quotes I-I-I pretty sure came

CO: [OV] Okay, okay after that.

MS: Yeah. Talk to him and tell him. I'm going to release a statement saying it's been paid and the – the department and commission is moving forward to uh, to uh you know to-to uh seek the leadership. In – in other words moving forward with – with the appointment of the new chief.

CO: Yes sir I understand.

MS: Yeah so just tell him yeah that's what I'm saying. The best thing to do is just say you know we made our concerns known uh whatever date that you had uh you issued that uh that memo and-and then just leave it there. Because you know, these news media guys...

CO: I know.

MS: Nowadays it's not news reporting it's all sensational uh

CO: Yeah

UNCLASSIFIED

WS117692 (8:40)

MS: And you know, you know what's really funny is that you know yesterday we spent a lot of time...

CO: Uh huh.

MS: On the process of you know...

[Phone Rings]

MS: Of getting the new Chief and so forth and so on. And – and it was just basically uh let's see it was only one paragraph at the end of the art-[laughter] at the end of the article.

CO: Yeah, Uh-huh

MS: And you know what I'm thinking, you know I'm trying to be open. They complain that we always do things behind closed doors and here I am trying to, trying to show them that not really it's only personnel matters that we do behind executive sessions and I'm trying to be open here but...

CO: Uh-huh

MS: But all we get is one paragraph at the end of the article.

CO: [OV] Is more, yeah. [Laughter]

MS: And most of it is based on what Axt was saying.

CO: Uh-huh.

MS: And so – and and he's saying we have to go to the council for approval and I thought we had established that already.

CO: Uh-huh.

MS: That-that you know the budget and finance will take care of that through the process which is legal.

CO: Uh-huh.

MS:



CO: Uh-huh

UNCLASSIFIED

WS117692 (8:40)

MS:

[REDACTED]

CO: Yeah.

MS:

[REDACTED]

CO: Uh-huh

MS: [REDACTED] -I you know rest assure to you

CO: Yeah?

MS: that you be rest-assured that you know if it was illegal I would not have done it.

CO: Okay.

MS: I-I-I there is no way I would have allowed that.

CO: Uh-huh.

MS: But it-it-it's uh there and we are moving forward and you know when he makes comments like he's going to go to the council and everything um I'm thinking what is he talking about. So please talk to him.

CO: Yes sir.

MS: And if there – if they require, if they require more just tell them you know we stand by our concerns of my letter dated

CO: Uh-huh

MS: December or January or whenever it was

CO: Uh-huh

MS: And we go from there. Because I – I really want to move the department forward.

CO: Uh-huh.

MS: Uh – uh you know getting new leadership and so forth uh so forth.

CO: Okay

UNCLASSIFIED

WS117692 (8:40)

MS: And like I said I'm – I'm going to prepare a statement

CO: Okay

MS: That uh that I'll send to the news media that you know we're gonna – the two hundred fifty has been paid out

CO: Uh-huh

MS: Uh and we've lived up to our side of the bargain and we're going to hold him to his side of the bargain or the agreement uh

CO: Uh-huh

MS: As we go along so we're not just going to say okay it's water under the bridge. He still has that-that caveat uh the fall back which you know as I insisted putting in that if he gets convicted it's going to come back.

CO: Okay

MS: So uh so you know we are going to keep an eye on that but in the meantime uh I just want to uh like to move forward and-and uh in getting the department uh fixed. Well, anyway talk to him.

CO: Yes sir.

MS: And I'd appreciate it and just tell him – tell him stick to what we had talked about. [Laughter]

CO: I will.

MS: And I think, I think we'll move forward on that.

CO: Okay. Alright thanks for the talk.

MS: Alright Chief.

CO: Okay, talk to you later.

MS: Alright thanks for you, thanks for your help.

CO: Okay.

MS: Bye Bye

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WS117692 (8:40)

CO:           Bye Bye

[Call Ends]